

27 July 2010

Committee Secretary
Senate Standing Committee on Rural and Regional Affairs and Transport
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Sir/Madam

Airport Amendment Bill 2010

Thank you for the opportunity to make this submission to the Senate Standing Committee on Rural and Regional Affairs and Transport in relation to the *Airports Amendment Bill 2010 (Bill)*.

This submission sets out certain matters in the Bill about which we are particularly concerned. We also note that Essendon Airport Pty Ltd is a member of the Australian Airports Association and we understand that the AAA has made, or will be making, a more detailed submission regarding the Bill and its impact on the operation of airports and aviation activity generally.

Before setting out our concerns regarding particular provisions of the Bill, I would like to raise 2 key issues:

- Firstly, that the development and planning process proposed by the Bill would make on-airport planning more expensive and protracted than it already is, and would disadvantage Essendon Airport and the businesses operating from it when compared with surrounding sites; and
- The provisions of the Bill which require an MDP for alterations to runways are far too broad and would adversely impact on the safe and efficient operation of airports.

Master Plan amendments

The Bill proposes a number of amendments to the matters to be addressed in a Master Plan, which will add to the regulatory burden to be borne by airports in their preparation¹. This includes the requirement to provide information on the likely effect of proposed developments on the local and regional community, including an analysis of how the proposed development fits within the planning schemes for the commercial and retail development in the area that is adjacent to the airport.

¹ Schedule 1, Part 1, Item 1 and Item 4



We would hope that this does not signify an intention to deny development that may adversely impact on developments outside the airport, simply because a development is located within the boundaries of the airport.

As a separate matter, we also note that the Victorian Planning Scheme does not allocate zoning to Essendon Airport, there is no Airport Overlay or other notation to alert owners of adjacent land that development in areas surrounding the Airport are affected by Commonwealth Law (such as the *Airports Act 1996*, *Civil Aviation (Building Control) Regulations 1998* or the *Airports (Protection of Airspace) Regulations 1996*). If planning matters affecting airports are to be properly regulated, the inclusion within Planning Schemes of appropriate Airport Overlays needs to be addressed.

Runway modifications and changes to flight paths

The Bill introduces the requirement for a major development plan for altering a runway in any way that changes the flight paths or the patterns or levels of aircraft noise². The drafting as currently proposed is far too broad and fails to consider that routine aviation related maintenance activities often result in temporary closure of a runway and changes to the arrival approach and departure path of aircraft.

Routine aviation related activities include patch repair of runways, taxiways and aprons, crack sealing, runway resurfacing, line marking, jet blast protection and the repair, maintenance and upgrade of aviation navigation aids. The timing of these activities may be imposed by regulatory authorities. It is impractical for an airport-operator to apply for an MDP in these circumstances and, if required to do so, would likely adversely impact on the safe operation of the airport, or necessitate the closure of the airport until the need for, or approval of, an MDP is determined.

Further, the need to close runways or change flight paths (on a temporary or permanent basis) may arise due to the requirements of third parties in relation to infrastructure located on or near the airport site. As an example, Essendon Airport expects that it will need to temporarily restrict access to both of its runways to facilitate the upgrade of a major water supply pipeline by Melbourne Water Corporation. The requirement to either prepare an MDP, or apply for an exemption to the requirement to obtain an MDP, to undertake the maintenance, replacement or installation of critical community infrastructure would result in unnecessary delays and expenditure.

An airport may also be required to shorten a runway on a temporary or permanent basis if an obstacle is erected outside the airport that impacts on "Prescribed Airspace", notwithstanding Part 5 of the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*. Where this does occur, the airport may be required to shorten the runway until the obstacle is removed to ensure the safe operation of the aerodrome.

Further, changes to a runway may be dictated by amendments to the Manual of Standards for Aerodromes and other rules and regulations that apply to aerodrome standards, or where an

² Schedule 1, Part 2, Item 40

aerodrome is altering its infrastructure to meet current standards. In the case of changes imposed by the Civil Aviation Safety Authority, CASA undertakes a public consultation process prior to the notification of the change, so the requirement to obtain an MDP would largely be duplicating a consultation process that had already occurred.

We submit that the inclusion of proposed paragraph 89(1)(ba) in the amended Airports Act should be reconsidered. The requirement to prepare an MDP to deal with existing runway infrastructure is unduly onerous and will adversely affect the safe and efficient operation of airports.

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We would be happy to consult with the Committee and the Government in the development of amendments to the Bill to address the concerns outlined in this submission.

Yours sincerely

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Essendon Airport Pty Ltd